

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION  
C/A NO.: 4:12-cv-1168-RBH-TER**

Allstate Insurance Company, )  
                                )  
                                )  
Plaintiff,                 )  
                                )  
                                )  
vs.                         )  
                                )  
Bobby McDuffie, Jamara McDuffie, )  
and Angenette McAllister, individually )  
and as Personal Representative of the )  
Estate of Anthony J. McAllister,     )  
                                )  
                                )  
Defendants.                 )  
                                )

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**ORDER GRANTING JUDGMENT IN FAVOR OF PLAINTIFF  
AND DECLARATION OF RIGHTS**

This matter comes before this Court on Plaintiff's Motion for Judgment on the Pleadings pursuant to Rule 12(c), FRCP. The motion was served on all parties on July 31, 2012, and no response in opposition has been filed. Having reviewed the Plaintiff's Complaint and the Answers of all Defendants, this Court finds that the Defendants do not oppose the Declaration sought in the Plaintiff's Complaint, and therefore, Plaintiff's motion is hereby GRANTED.

Pursuant to 28 U.S.C. § 2201 and Rule 57, FRCP, this Court hereby declares and orders that any and all claims brought by Defendant Angenette McAllister, individually and as Personal Representative of the Estate of Anthony J. McAllister against Defendants Bobby McDuffie and Jamara McDuffie are not covered by Allstate Insurance Company policy number 930969482, because the claims are excluded by the terms of the policy.

This Court further declares and orders that Plaintiff owes no duty to defend or indemnify Defendants Bobby McDuffie and Jamara McDuffie with respect to any claims asserted or

judgments entered with regard to the accident of September 11, 2008, including those associated with an action pending in the Dillon County, South Carolina, Court of Common Pleas entitled, “*Angenette McAllister, Individually and as Personal Representative of the Estate of Anthony McAllister, Deceased, Plaintiffs v. Jacquiza L. Beathea, Tawana Davis, Bobby McDuffie, Jamara McDuffie, Defendants*”, Docket # 11-CP-17-339.

IT IS SO ORDERED.

s/R. Bryan Harwell  
United States District Court Judge

Date: August 20, 2012  
Florence, South Carolina